



Patent Docket P1829R1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of<br><br>Robert D. Mass<br><br>Serial No.: 09/863,101<br><br>Filed: May 18, 2001<br><br>For: GENE DETECTION ASSAY FOR<br>IMPROVING THE LIKELIHOOD OF<br>AN EFFECTIVE RESPONSE TO AN<br>ERBB ANTAGONIST CANCER<br>THERAPY | Group Art Unit: 1642<br><br>Examiner: Misook Yu<br><br>Confirmation No: 9233<br><br>CUSTOMER NO: 09157<br><br><b>CERTIFICATE OF MAILING</b><br>I hereby certify that this correspondence is being deposited with the United States Postal<br>Service with sufficient postage as first class mail in an envelope addressed to:<br>Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on<br><br>January 26, 2004<br><br><i>Anna Kan</i><br>Anna Kan |
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**NOTICE OF APPEAL**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Appeals and Interferences from the decision dated August 25, 2003, of the Primary Examiner finally rejecting claims 21 and 24-26.

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$330 to cover the fees for this appeal and to charge the deposit account for any further fees in regard to this patent application. **A duplicate copy of this Notice is enclosed for this purpose.**

Respectfully submitted,  
GENENTECH, INC.

Date: January 26, 2004

By:

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